REMARKS

Claims 1-7, 16-18, 20-28, 31, 34, 35 and 37-41 are pending in the instant application. Claims 1-7, 16-18, 20-28, 31, 34, 35 and 37-41 have been rejected. Claims 1, 2, 3, 4, 5, 6, 7, 16, 17, 18, 20, 21, 34, 35, 37 and 39 have been amended. Claim 28 has been canceled in light of these amendments. Support for these amendments is provided in the specification at page 10, lines 5-9. No new matter is added by these amendments. Reconsideration is respectfully requested in light of these amendments and the following remarks.

Rejection of Claims under 35 U.S.C. 103(a)

Claims 1, 16-18, 20-27, 31 and 34 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Lofberg et al. (Archives of Neurology, Vol. 52, 12/1995, pages 1210-1214) in view of Solaro et al. (Journal of Molecular Cell Cardiology, Vol. 28, pages 217-230, 1996) and Lin et al. (The Journal of Biological Chemistry, Vol. 271, No. 1, 1/5/1996, pages 244-249) and further in view of Han et al. (International Journal of Biochemistry, Vol. 24, No. 1, 1992, pages 19-28).

Claims 2-7, 28, 34-35, 38 and 40-41 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Lofberg et

al. in view of Solaro et al. and Lin et al. and further in view of Han et al. as applied to claims 1, 16-18, 20-27 and 34 above, and further in view of Wicks et al. (U.S. Patent 5,834,220).

Claims 37 and 39 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Lofberg et al. in view of Solaro et al. and Lin et al. and further in view of Han et al. and Wicks et al. (U.S. Patent 5,834,220) as applied to claims 2-7, 28, 34-35, 38 and 40-41 above, and further in view of Jideama et al. (The Journal of Biological Chemistry, Vo. 271, No. 38, 9/20/96, pages 23277-23283).

Applicants respectfully traverse these rejections.

As acknowledged by the Examiner in the Office Action mailed November 22, 2007, Lofberg et al. evaluated cardiac TnT, cardiac TnI and myosin heavy chain, Solaro et al. taught changes in cardiac function, Lin et al. measured covalent binding of peptides to cardiac troponin C and Wicks et al. taught assaying for cardiac troponin I along with cardiac troponin C.

Teachings of Jideama also relate to cardiac troponin I and cardiac troponin T in the myocardium. See Abstract.

Han et al. is cited for its general teachings of post-translational modification being recognized in a wide variety of cell types.

In contrast, the claims have been amended to specify methods for assessing skeletal muscle damage in a subject via evaluating for the presence of one or more different myofilament protein modification products selected from the group consisting of skeletal troponin I, skeletal troponin T and myosin light chain 1. Support for this amendment is provided at page 10, lines 5-9 of the instant application.

None of the prior art references teach or suggest evaluating for skeletal muscle damage or evaluating for the presence of myofilament protein modification products selected from the group consisting of skeletal troponin I, skeletal troponin T and myosin light chain 1. Thus, the cited combinations of references fail to teach all the limitations of the claims. Accordingly, the cited combinations of references fail to establish a prima facie case of obviousness with respect to the instant claimed invention. See MPEP 2143.

Withdrawal of these rejections under 35 U.S.C. 103(a) is therefore respectfully requested.

Conclusion

Applicants believe that the foregoing comprises a full and complete response to the Office Action of record.

Accordingly, favorable reconsideration and subsequent allowance of the pending claims is earnestly solicited.

Respectfully submitted,

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